

REMARKS

Claims 1-20 are pending in the present case. No claims are amended herein.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants prior art Figure 1 in view of Robsky et al. (U.S. Patent No. 5,838,309).

103 Rejection

Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' prior art Figure 1 in view of Robsky et al. (US Patent No. 5,838,309). The Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as are recited in Claims 1-20 are neither shown nor suggested by Applicants' prior art Figure 1 in view of Robsky et al.

The Examiner is respectfully directed to independent Claim 1 which recites that an embodiment of the present invention is directed to a display assembly for a portable electronic device comprising:

... a digitizer mechanism comprising a top film and a resistive digitizer element; and a single piece cover enclosure for said touch screen assembly that is disposed over and encloses said top film of said digitizer mechanism to allow mechanical transfer between said single piece cover and said digitizer mechanism ...

Independent Claims 9 and 16 recite distinguishing limitations similar to those recited in Claim 1. Claims 2-8 depend from independent Claim 1, Claims 10-15 depend from independent Claim 9, and Claims 17-20 depend from independent Claim 16 and recite further limitations of the present invention.

The cited combination fails to teach or suggest the embodiments set forth in Claims 1, 9 and 16. In particular, Applicants' prior art Figure 1 does not anticipate or render obvious an integrated enclosure touch screen assembly comprising "a single piece cover enclosure for said touch screen assembly that is disposed over and encloses said top film of said digitizer mechanism to allow mechanical transfer between said single piece cover and said digitizer mechanism" as is recited in Claims 1, 9 and 16. By contrast, Applicants prior art Figure 1 only shows a touch screen assembly that comprises a digitizer mechanism and an outermost protective film wherein the outermost protective film merely covers the digitizer film. It should be appreciated that Applicants' Claim 1 sets forth specific attributes of the therein recited cover enclosure that are not shown or suggested by Applicants prior art Figure 1. For example, nowhere in Applicants prior art Figure 1 is there shown a cover enclosure that is disposed over and encloses a cover film. Consequently, the embodiments of the Applicants' invention as is recited in Claims 1, 9 and 16 are not anticipated or rendered obvious by the Applicants' prior art Figure 1.

The cited combination does not render Claims 1, 9 and 16 obvious because the teachings of Robsky et al. do not overcome the shortcomings of the Applicants prior art Figure 1 noted above. The Applicants prior art Figure 1 in view of Robsky et al. does not render obvious an integrated enclosure touch screen assembly comprising "a single piece cover enclosure for said touch screen assembly that is disposed over and encloses said top film of said digitizer mechanism to allow mechanical transfer between said single piece cover and said digitizer mechanism" as is recited in Claim 1, and similar limitations of Claims 9 and 16. In order to render a claim obvious, a proposed combination of references must not destroy the basic operating principle of the device disclosed in the

primary reference. In fact, it has been held that the teachings of a reference (such as Robsky et al.) are not sufficient to render an invention obvious where the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference as well as a change in the basic principle under which the construction was designed to operate.” *In re Ratti*, 270 F.2d. 810, 123 USPQ 349 (CCPA). In other words, the combination may not suggest the claimed embodiment when one reference acts to destroy the basic operating principle of the other.

In the instant case, a modification of Applicant’s prior art Figure 1 as proposed in the outstanding Office Action, with teachings from the cited Robsky et al. reference, would indeed change a basic principle under which the construction of the device disclosed by Applicant’s prior art Figure 1 (the primary reference) was designed to operate. More specifically, in the device shown in the Applicant’s prior art Figure 1, the outermost protective film 110 is positioned above and coextensive with digitizer film 120 with both the protective film 110 and the digitizer film 120 being coupled to the supporting structure 105 below its upper edge in a “step down” arrangement. It is disclosed at page 10, lines 15-17 that the protective film is coupled to the supporting structure in this manner “in order to provide a moisture and dust seal.” As such, the step down arrangement is an essential attribute of the design concept embodied in the device shown in Applicant’s Figure 1, and constitutes a basic principle of the device’s construction. A modification of this arrangement as proposed in the outstanding Office Action would change this basic principle of the device’s construction. Consequently, in accordance with the rule outlined above, the teachings of Robsky et al. either alone or in combination with Applicants prior art Figure 1 are not sufficient to anticipate or render

obvious the embodiments of the Applicant's claimed invention as are set forth in Claims 1, 9 and 16.

Therefore, Applicants respectfully submit that Applicants prior art Figure 1 and Robsky et al. either alone or in combination do not teach or suggest the Applicants invention as is set forth in Claims 1, 9, and 16 and, as such, Claims 1, 9, and 16 overcome the basis for rejection under 35 U.S.C. §103. Accordingly, Applicants respectfully submit that Claims 2-8 dependent on Claim 1, Claims 10-15 dependent on Claim 9, and Claim 17-20 dependent on Claim 16 likewise overcome the cited combination as being dependent on an allowable base claim and therefore are themselves in condition for allowance.

SUMMARY

In view of the foregoing amendments and remarks, the Applicants respectfully submit that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration of the Application and allowance of the pending Claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Reginald A. Ratliff at (408) 938-9060.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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Reginald A. Ratliff

Reginald A. Ratliff
Registration No.: 48,098
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060